

CHRISTOPHER BANY (230038)
 DANIEL W. BEDELL (254912)
 THE LANIER LAW FIRM
 530 Lytton Avenue, 2nd Floor
 Palo Alto, CA 94301
 Phone: (650) 322-9100
 Fax: (650) 322-9103
cdb@lanierlawfirm.com
dwb@lanierlawfirm.com

Attorneys for Plaintiff
 DANIELS SHARPSMART, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

DANIELS SHARPSMART, INC.,

Plaintiff,

v.

TYCO INTERNATIONAL (U.S.) INC., *et al.*

Defendants.

Case No.: C 08-80133 JF (PVT)

**RESPONSE TO ORDER TO SHOW CAUSE
 WHY ACTION SHOULD NOT BE
 TRANSFERRED TO THE EASTERN
 DISTRICT OF CA**

On April 30, 2008, Daniels Sharpsmart, Inc. ("Daniels") served a subpoena issued by the District Court of the Northern District of California on David Grant Medical Center ("Grant Medical Center") in support of discovery in *Daniels Sharpsmart, Inc. v. Tyco International (US) Inc., et al.*, Case Number 5:05-CV-169, in the United District Court for the Eastern District of Texas.

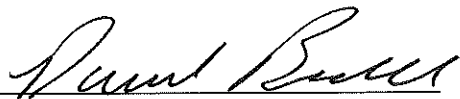
Grant Medical Center never challenged the subpoena from this Court. Instead, Grant Medical Center just refused to comply with this Court's subpoena. Since this Court issued the subpoena, it is the proper court to enforce the subpoena. *See* Fed. R. Civ. P. 45(e).

Since the Northern District issued the subpoena, Daniels seeks enforcement of the subpoena in this Court. Grant Medical Center is located on the Travis Air Force Base which is less than 86 miles

1 from the San Jose division of the District Court of the Northern District of California. *See* Exhibit A,
2 Map from Travis AFB to Court House. Grant Medical Center is within 100 miles of the San Jose
3 division so compelling a representative from Grant Medical Center to attend a hearing on the subpoena
4 issued by this Court at the San Jose division is not unduly burdensome. *See* Fed. R. Civ. P.
5 45(b)(2)(C), 45(b)(3)(A)(ii).
6

7 Since Grant Medical Center disregarded a subpoena from this Court, and since compelling
8 Grant Medical Center to respond in the Northern District is not unduly burdensome, the case should
9 not be transferred to the Eastern District.

10 DATED: July 8, 2008 THE LANIER LAW FIRM
11
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13
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15 By 

16 Daniel W. Bedell

17 Attorneys for Plaintiffs,

18 DANIELS SHARPSMART, INC.
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Exhibit A



Start **Travis Air Force Base, CA**

End **280 S 1st St
San Jose, CA 95113**

Travel **86.0 mi – about 1 hour 35 mins**

Get Google Maps on your phone



Text the word "GMAPS" to 466453



Travis Air Force Base, CA

Drive: 86.0 mi – about 1 hour 35 mins

1. Head **north** on **Burgan Blvd** toward **Challenger Ln** 318 ft
- ← 2. Turn **left** at **Travis Ave** 0.8 mi
3 mins
3. Continue on **Air Base Pkwy** 5.7 mi
12 mins
- ← 4. Turn **left** to merge onto **I-80 W** toward **San Francisco** 5.9 mi
6 mins
5. Take exit **40** to merge onto **I-680 S** toward **San Jose/Benicia** 70.5 mi
1 hour 8 mins
6. Continue on **I-280 N** (signs for **I-280 N/ Downtown San Jose**) 1.8 mi
2 mins
7. Take the **7th St** exit toward **CA-82** 0.2 mi
8. Merge onto **Margaret Way** 394 ft
- 9. Turn **right** at **S 6th St** 0.2 mi
1 min
- ← 10. Turn **left** at **E William St** 0.3 mi
2 mins
- 11. Turn **right** at **S 1st St** 0.3 mi
1 min



**280 S 1st St
San Jose, CA 95113**

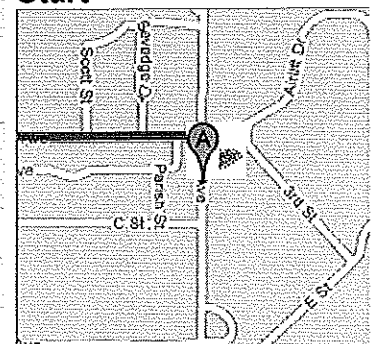
These directions are for planning purposes only. You may find that construction projects, traffic, or other events may cause road conditions to differ from the map results.

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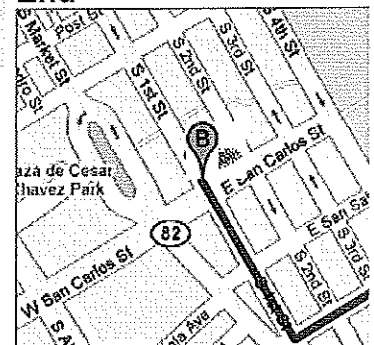
Overview



Start



End



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